



MEETING SUMMARY

CALIFORNIA WATER PLAN UPDATE 2013 TRIBAL AC – TRIBAL WATER SUMMIT PLANNING MEETING 9:00 A.M. – 12:00 P.M. CCP LARGE CONFERENCE ROOM, 815 S STREET SACRAMENTO, CA

MEETING OBJECTIVES:

1. Assess status of work to date and begin developing work plan
2. Determine the goals of the 2013 TWS Summit
3. Evaluate Resources and Partnerships needed

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Welcome and Introductions

Ron Goode began the Tribal Water Summit (TWS) with an opening prayer. Stephanie Lucero, Facilitator, then provided a detailed review of the agenda – including a description of each item and goals related to each agenda item. The first item reviewed the Design Team one-page description for the TWS Work Group, identifying members and essential subcommittees:

- Fundraising
- Meeting Content
- Exhibits
- Communication and Outreach
- Logistics

Work Efforts to Date

Draft invitation to participate on Tribal AC and TWS Work Group

- There was a discussion on the salutation line. It was clarified that each letter will be addressed separately for each recipient.



- Inviting “your Tribe” does not include Tribal non-profits, needs to be more inclusive. For example, “your Tribe or Tribal organization.” That ties back into the Tribal leader salutation.

ACTION ITEM: Move up the second paragraph up to become the first paragraph.

Objectives of the Summit

There was a discussion of concerns and disappointments regarding the 2009 TWS. Some of this was related to scheduling and the Obama administration convening a Tribal meeting during the same time. Also, there were challenges in bringing Tribal leaders into the process. The Summit is a meeting of Tribal leaders and agency leaders. Specifically, there had been expectations by members of the 2009 TWS Planning Team that the Summit would culminate in a signed agreement between Tribes and agencies.

There is a key issue as to the topic and format of the Summit. The last TWS generated perspectives and points of view and there is a feeling that nothing was resolved. The thinking was that a few key issues would be resolved through the Summit.

Comments and Discussion:

Ron Goode: Federal recognized Tribes have Federal water rights. Aboriginal water rights are not acknowledged; these have not been relinquished. This is where we end up. It is critical to understand the relationship of what was never relinquished in 1851. Potable, quality water is needed for both communities and relations (or “resources” in agency terms).

It was noted that if there is an interest in signing off on a document at the TWS, then draft language needs to be started on right now to develop and approve a proposal. If the goal is to raise the issues and create an implementation team for action after the Summit, that is achievable within the timeframe between now and April 2013. It may be that the TWS wants to review which proposals need more attention to move forward.

The creation of the Tribal Communication Committee evolved into the Tribal Advisory Committee, whose responsibilities include following up on the Tribal AC. Agencies need to be involved in implementation. That is what needs to be happening. Achieving some of the 2009 TWS recommendations would be a success. Tribal AC members need to be providing leadership for the work groups. It was noted that at the March 22nd Tribal AC meeting, the 2009 TWS Recommendations will be sorted in terms of ownership – what recommendations can the Tribal AC move forward on? Clarify which agencies are associated with different 2009 Recommendations.

It was suggested that the group might look at the possibilities of developing an agreement between TWS Work Group and DWR – to spell out understanding of how progress on Tribal water issues will move forward. The TWS is a springboard for Native American issues – have



any of them lifted off the ground? Tribes need to prioritize which issues need to be addressed first. Tribal issues need to be expressed in Tribal words. Explain where those issues stand within DWR and State agency responsibilities. DWR and agencies need to understand how serious this is.

It was noted that agencies are invited and involved in the Tribal AC meetings and work groups. The Tribal AC might want to look at adding other agencies. It may not be possible to resolve issues in advance at each Summit. The nature of the Summit informs who the participants are. There is a difference between participating in a conference and having authority to speak. It isn't clear how Tribal perspectives influence DWR policy or State policy.

The next Tribal AC meeting will include prioritization of the 2009 Recommendations and review of the Update 2009 Progress Report on Objective 12. There was also a discussion about where Tribal content fits into the Water Plan. It was highlighted that there should be an EJ chapter – water is big business and affecting access to water. The EJ issues need to look at potable water and using water in many other ways. Tribal information resulting from the 2009 TWS needs to have cultural perspectives attached to it, emphasizing a holistic view regarding natural resources and the sacredness of water and land management. Procedural policy is an important outcome of the Summit, encompassing Tribal water rights, land management and air quality. It all comes under the umbrella of cultural perspective.

ACTION ITEM: Identify necessary other stronger agency representation for TWS; working groups.

ACTION ITEM: Identify agency involvement needed for and associated with 2009 Recommendations.

ACTION ITEM: Prioritize 2009 Recommendations in an open and transparent process, this can happen through Tribal AC.

ACTION ITEM: Progress report on 2009 Recommendations (explains where the issues stand). This would highlight the issues and provide baseline information.

ACTION ITEM: The 2009 Recommendations and TWS Survey will inform the Tribal AC Work Plan elements and a TWS implementation plan.

ACTION ITEM: Look at 2009 TWS content and recommendations as a foundation for Update 2013 conversations on Tribal water.

ACTION ITEM: Discuss the process for vetting Tribal information going into Update 2013. Perhaps an editing or review team can be created within the TAC.

ACTION ITEM: Clarify how Tribal perspectives influence DWR policy or State policy. Describe how agency policy objectives support Tribal objectives. Procedural policy is an important outcome of the Summit.

ACTION ITEM: Clarify how 2013 TWS Recommendations and input will be used. If Recommendations are developed, there needs to be an implementation plan as well.



Invitations and Outreach

For the 2009, the TWS Planning Team really struggled with outreach. Five formal invitations were sent out to 175 Tribes and Tribal organization. The result was representation for 66 Tribal entities (with a total of 300 participants). This was not a bad turnout; however, many of the 66 Tribal entities had no prior involvement with the process or issues. There needs to be better coordination among Tribes on the issues. There is a capacity issue for Tribes – there is a challenge in bringing the issues and Tribal representatives together across the State. It may take us longer to move forward in a more unified way.

It is important to think about who to invite, how to invite and getting the work out. Is the Tribal leader the right person to invite? It would be better to invite a Tribal team, involving those who are working on the ground – for example, burners and basket makers. Teams are powerful and bring a range of expert perspective. This helps develop the bigger picture for resource management – it fosters understanding of Tribal issues among agency teams and builds capacity within Tribal teams. Discussions among teams show that social values are broader than ecological indicators. It's culture – not cultural resources. Culture is a way of acting that supports natural resources. Culture includes what we do (to the meadow) for the animal, for the plant, for the water, for the grass, for the air.

It's also important to understand what's happening with the big players in water statewide, to provide good input and track what is happening. The privatization of water should be a big issue for Tribes. At the Berkeley Water Law symposium, the efforts of Paramount Farms were discussed. They get 215 Water – when there is surplus, you can get it free. It goes through State and Federal infrastructure. Once the water goes into a groundwater bank, it becomes private water. This is a huge issue for Tribes. Climate change will impact flows - water will come down quickly and privatization is capitalizing on that. Tribes need to be knowledgeable about what is happening. (Note: For audio and video recordings of the symposium, go to www.waterlawsymposium.com.)

ACTION ITEM: TWS members to send comments on invitation by March 5.

ACTION ITEM: Create a concise invitation as a Save the Date flier containing a few bullets and flagging that the goal of 2013 Summit is to continue the work of the 2009 Summit. The formal invitation should be provided as an attachment. This will be an open invitation to Tribal leaders and teams, encouraging high-level participation on both days.

Summit Structure

Regarding issues, it was emphasized that land management and water can't be separated, the nexus needs to be highlighted – it is part of education.



Is the desire for staff to help lay the framework for leaders to work with and further the objectives of their (State and Tribal) governments and to work together. The presence of State and Tribal leaders, at the 2009 TWS, was complicated by the National Tribal conference and the Water Bond.

MOU Concept

Regarding an MOU/MOA, the draft will need to be prepared and circulated beforehand (for review, comments and revision), fine-tuned, then finalize for signature in April. This might be an agreement in principle, similar to a “non-binding resolution” about how policies are developed. The agreement would outline how Tribes and State government will work together. It might be an agreement to develop a work team to address a particular issue from the 2009 Recommendations. There was a question as to who would sign the document – each Tribe, each agency? If developed along the lines of a “non-binding resolution,” then the document would be open for all interested signatories.

Sending out the draft MOU language, in advance, will tell the Tribes that the Summit is coming and is serious.

It was noted that the TCC language was referenced in a transmission corridor (859), where consultation was required with California Tribes. This has been presented to the Federal agencies, for NAGPRA and other issues, and suggested that all California Tribes need to be addressed.

Aboriginal Water Rights

What we’re [Tribes] telling you is that Tribes have never relinquished their aboriginal water rights. Therefore, when Tribes are out dealing with water – whether groundwater, springs or creek water, on meadows, on sites and ancestral grounds and homelands – that Tribes have some sort of authority, regardless of the landowners or water rights holders they are not the only ones to have a say in water. There needs to be some way of expressing that this is still Tribal water. What are the water sources? Springs from Tribal villages, where Tribes are no longer located because of relocation. These are often integrally tied to community culture – the Spring Bird nested at a site where water has been determined to be no longer potable and the spring should be shut down. The spring flow is important, regardless of the issue of whether potable or not. It was noted that this type of statement would make a great opening plenary remark.

The concept of water rights can be expanded to the idea of Tribal Environmental Justice. This would encompass forestry, air, land, cultural, water, easements. This could contribute to the conversation of Tribes being able to contract with agencies. With NCAI, there are breakout sessions for developing work plans and recommendations.

ACTION ITEM: Barbara will send out links to two items: a generic article on relationship between federal, Tribal and state relationships on water rights; and an article by Stephen Pavar



Proposed Summit Structure

There was discussion on the structure of the 2013, with general agreement on the following format:

Day 1 (Issues)

Conference format (staff and executive team members)

- Plenary – opening keynotes
- Where We've Been (include progress report)
- Content topics (new) to carry forward
 - 2-3 Key topics – white papers: State Water Rights, Tribal EJ
 - Is there interest in partnering on non-Tribal entities working on hot topics such as privatization of water? This could help generate media attention.
- Non-binding resolution (could inform future MOAs/MOUs) – celebration
 - Procedure for developing policies, how to work together – need this as a minimum
 - Develop a draft framework that could be used by Tribes in developing MOUs

Next Steps

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Attendance

Ron Goode, North Fork Mono Tribe
John Covington, Morongo Band
Atta Stevenson, Cahto Tribe, Laytonville Rancheria
Randy Yoneumra, California Indian Water Commission
Tom Keegan, Dry Creek Rancheria
Oscar Serrano, Colusa Indian Community
Steve Archer, Buena Vista Rancheria, D-Q University
Julie Griffith-Flatter, Sierra Nevada Conservancy
Emily Alejandrino, DWR Tribal Coordinator Work Team Lead
Barbara Cross, DWR

Via Webinar

Paula Britton, Habematolel Pomo of Upper Lake
Rob Cozens, Resighini Rancheria
Donna Miranda-Begay, Inter-Tribal Council of California, Tubatulabals of Kern Valley
Chuck Jachens, Bureau of Indian Affairs
Leslie Cleveland, Bureau of Reclamation
Abimael Leon, DWR, South-Central Regional Office
Jennifer Wong, DWR, Southern Regional Office

Facilitation Team: Stephanie Lucero, Tribal Facilitator; Judie Talbot, facilitation support; Center for Collaborative Policy, CSU Sacramento